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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

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2 State Bar No.: 1597
3 Thorndal, Armstrong, Delk, Balkenbush & Eisinger
6590 South McCarran Blvd., Suite B
4 Reno, NV 89509

5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 ALICIA UHOUSE, an individual; CRYSTAL
8 G. ZAVAKLA, an individual; JAMES A.
9 SLUSSER, an individual; DAVID M. And
10 MARY A. HAIL; individually and/or as
husband and wife; and ERNIE E. DUARTE,
an individual, on behalf of themselves and
those similarly situated,

11 Plaintiffs,

12 vs.

13 UNITED STATES DEPARTMENT OF THE
14 INTERIOR, BUREAU OF RECLAMATION;
15 DIRK KEMPTHORNE, in his official
16 capacity as Secretary of the Interior; BOARD
17 OF DIRECTORS OF THE TRUCKEE-
18 CARSON IRRIGATION DISTRICT, as
19 individuals; TRUCKEE-CARSON
IRRIGATION DISTRICT, a political
subdivision of the State of Nevada; DAVID
OVERVOLD, in his capacity as the Project
Manager of the TRUCKEE-CARSON
IRRIGATION DISTRICT; and DOES 1-
1000,

20 Defendants.

Case No.: 3:08-CV-00285-LDG-RAM

**ORDER APPROVING GOOD FAITH
SETTLEMENT**

21 This matter came on for hearing before the above-referenced Court on the joint motion filed by
22 the City of Fernley and Lyon County for good faith settlement. Appearing on behalf of the Plaintiff class
23 were Robert Maddox of the law firm of Maddox & Associates, Calvin R.X. Dunlap, of the firm of
24 Dunlap & Laxalt, Eugene Leverty, Leverty & Associates, Robert Hager of the firm Hager & Hearne, and
25 Lee Hotchkins, Esq. Appearing on behalf of the City of Fernley, Brent Kolvet of Thorndal, Armstrong,
26 Delk, Balkenbush and Eisinger and appearing on behalf of Lyon County, Charles Burcham of Thoornal,
27 Armstrong, Delk, Balkenbush and Eisinger. The Court having reviewed the joint motion for good faith
28 settlement and noting that there is no opposition to the motion on file and the Court being fully advised in

1 the premises, the Court makes the following findings and order:

2 1. That the settlement amounts to be paid by the City of Fernley (\$5 million dollars) and
3 Lyon County (\$1.3 million dollars) are reasonable in light of the potential defenses to liability and the
4 findings relates to other factors set forth below.

5 2. That the allocation of the settlement proceeds among Plaintiffs has been agreed to by the
6 Plaintiffs and is therefore reasonable.

7 3. That the insurance policy limits of each of the settling Defendants is \$10 million dollars,
8 however, the insurance limits are self-consuming and should this matter have proceeded to trial, the
9 available insurance would have been greatly reduced to the detriment of the Plaintiff class.

10 4. That these settling Defendants are political subdivisions of the State of Nevada and as
11 such their financial condition have been greatly impacted by the general economic down turn so that the
12 ability of these Defendants to pay any judgments outside of the available insurance would be severely
13 limited, if non-existent. Settlement, therefore, within policy limits of the available insurance is in the
14 best interests of the settling class and of these Defendants.

15 5. That the settlement was the result of arm's length, good faith negotiations conducted
16 through the efforts of a court appointed mediator. Therefore, there is no evidence of collusion, fraud, or
17 tortuous conduct intended to injure the interests of any non-settling Defendants.

18 ORDER

19 IT IS HEREBY ORDERED that based on the findings related to the factors the Court must
20 consider that the settlement entered into between the Settling Class, the City of Fernley and the County
21 of Lyon is in good faith and the Joint Motion for Good Faith Settlement is hereby granted.

22 DATED: August 8, 2011.

23 
24 _____
25 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Thorndal, Armstrong, Delk, Balkenbush & Eisinger, and that on this date I caused the foregoing **ORDER APPROVING GOOD FAITH SETTLEMENT** to be served on all parties to this action via the U.S. District Court's e-filing (CM/ECF) system and/or by placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada, fully addressed as follows:

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DATED this 4th day of August, 2011.

/s/ Mary C. Wilson
An Employee of Thorndal, Armstrong,
Delk, Balkenbush & Eisinger